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CRL MP No. 10791 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-07-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL MP No. 10791 of 2026**

**IN**

**CRL A NO. 761 OF 2026**

Babu  
S/o Chinnasamy,  
Kollakottai Pudupattu Village,  
Veerapanur Post,  
Jamunamarathur Taluk,  
Tiruvannamalai.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police  
Polur AWPS,  
Tiruvannamalai.  
Crime No.13 of 2023

..Respondent(s)

**CRL A No. 761 of 2026**

Babu  
S/o Chinnasamy,  
Kollakottai Pudupattu Village,  
Veerapanur Post,  
Jamunamarathur Taluk,  
Tiruvannamalai.

..Appellant(s)

Vs

The State Rep By, The Inspector of Police  
Polur AWPS,  
Tiruvannamalai.  
Crime No.13 of 2023

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the execution of sentence imposed on the petitioner/appellant by the order of the learned Special Court for the Exclusive



Trail of POCSO act cases, Tiruvannamalai in Spl.S.C.No.102 of 2023 dated 09.06.2026, pending disposal of the above Appeal and acquit the appellant.

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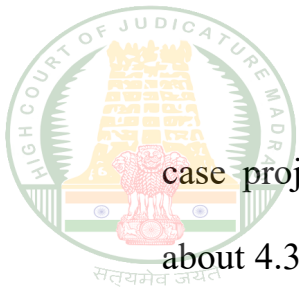
For Petitioner(s): Mr.Sathiyaraj E.

For Respondent(s): Mr.Durai Gunasekaran  
Government Advocate (Criminal Side)  
Assisted by  
Mr.M.Arul Raj

### **ORDER**

The petitioner/Accused in Spl.S.C.No.102 of 2023 was convicted by the trial Court by the judgment dated 09.06.2026, for the offence under Sections 366 I.P.C. and Section 7 r/w 8 of POCSO Act, 2012 and sentenced to undergo five years rigorous imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo one year simple imprisonment for the offence under Section 366 of I.P.C. and sentenced to undergo five years rigorous imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo one year simple imprisonment for the offence under Section 7 r/w 8 of POCSO Act. Aggrieved against the said conviction, the petitioner has preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. The contention of the petitioner is that the petitioner has been falsely implicated in this case. The petitioner and the de facto complainant are relatives. There is a property dispute exists between the petitioner and the de facto complainant's family. The de facto complainant is the mother of the victim. The



case projected against the petitioner is that the petitioner, on 30.06.2023, at about 4.30 p.m., the victim/PW1 along with PW4, her cousin brother, both went to their field, at that time, the petitioner pulled the victim's hands and took her near a tamarind tree and attempted to undress her. When she made a hue and cry, the petitioner left the place. Thereafter the victim informed her mother/PW2 about the incident and on 02.07.2023, the de facto complainant's family had gone and questioned the petitioner. At that time, the petitioner threatened them with dire consequences. Thereafter the complaint lodged.

3. The further contention of the petitioner is that the victim has been examined as PW1, who confirmed that the petitioner is a graduate and is employed elsewhere and he used to visit the village only on occasions and festivals. Though PW1 gave an exaggerated statement that an attempt was made to undress her and she raised an alarm, PW4, who is the cousin brother of the victim and present along with the victim, stated that the petitioner attempted to pull her forcibly and take her to a nearby tamarind tree. According to the petitioner, there is a clear motive for falsely implicating the petitioner. The petitioner was forced to give his land to the de facto complainant's family, which the petitioner refused and hence, false complaint has been given. Hence, prayed for granting suspension of sentence to the petitioner.



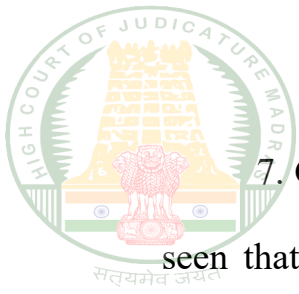
4. The learned Government Advocate (Criminal Side) strongly opposed the petitioner's contention and filed counter affidavit stating that the de facto complainant is the mother of the victim child, aged about 15 years. The victim child was studying X-standard. On 30.06.2023 morning, the de facto complainant and her husband went to a temple in the nearby village and returned home around 10.00 pm and found the victim child was weeping. When they questioned, the victim informed that on 30.06.2023 at around 04.30 p.m. after returning from School, she went to their land and was working there, at that time, the petitioner-Babu, who is the adjacent land owner, dragged her near a tamarind tree and stripped her chudithar. When she made a hue and cry to leave her, the victim's cousin, who came there shouted at the petitioner and on seeing him, the petitioner fled from the spot. On hearing about the occurrence, the victim's parents went to the house of the petitioner on 02.07.2023 and questioned about his act. The petitioner threatened them with dire consequences. Hence, the complaint was filed.

5. He further submitted that based on the above complaint, a case was registered in Polur AWPS, in Crime No.13 of 2023 for offence under Section 7 r/w 8, 4(2) r/w 18 of POCSO Act, 2012 and section 506(ii) I.P.C. against the petitioner on 02.07.2023 by the Sub Inspector of Police and the same was submitted before the Inspector of Police for investigation. Thereafter, the Inspector of Police visited the scene of occurrence, prepared rough sketch and



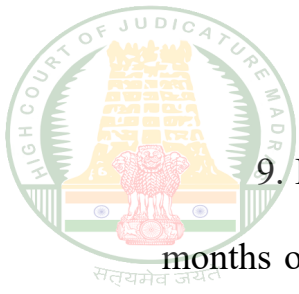
observation mahazar in the presence of witnesses and examined the de facto complainant and other witnesses and recorded their statements. On 03.07.2023, the Inspector of Police arrested the petitioner and obtained his confession statement and then produced the petitioner before the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and remanded to judicial custody. After completion of elaborate and detailed investigation, on 18.08.2023, the Inspector of Police altered the section of this case into Section 366, 354(B), 376(3), 511, 506(ii) of I.P.C. and Section 7 r/w 8, 6 r/w 18 of POCSO Act, 2012 and filed the charge sheet against petitioner before the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and the same was taken on file in Spl.S.C.No.102 of 2023.

6. He further submitted that in this case 12 witnesses examined. The victim/PW1 and PW4 were together when the occurrence took place. PW1 and PW4 confirmed the same in their evidence. PW2 and PW3 are parents of the victim, who were informed by the victim about the incident. The victim also gave her statement under Section 164 Cr.P.C., which is in conformity to her evidence. He further submitted that on the side of the prosecution, PW1 to PW12 examined and Exs.P1 to P19 marked. On the side of the defence Ex.D1 marked. The Trial Court considered all these facts and rightly convicted the petitioner. Hence, prayed to dismiss the petition.



7. Considering the submissions made and on perusal of the materials, it is seen that in this case there are witnesses to the occurrence, namely, PW1 to PW4. PW1 stated that on 30.06.2023, she was forcibly taken near a tamarind tree and an attempt was made to undress her. PW4, the cousin brother of the victim, who was accompanying her at the time of occurrence, stated that PW1 was forcibly dragged near the tamarind tree and nothing more. PW1 and the other witnesses have also admitted about the dispute between both the families with regard to the land, which the petitioner refused to sell. It is also admitted by the victim/PW1 that petitioner is a graduate, employed elsewhere and he used to visit the village only on occasions. Thus, there are major contradictions in the evidence of PW1 to PW4 regarding the occurrence. Finding that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.



9. Further, the petitioner shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

10. Accordingly, this Criminal Miscellaneous Petition is ordered.

**23-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
RSI

Note: Issue order copy on 23.07.2026.

To

1. The Sessions Judge,  
Special Court for the Exclusive Trail of  
POCSO act cases, Tiruvannamalai.
2. The Inspector of Police,  
Polur AWPS,  
Tiruvannamalai.
3. The Superintendent of Prison,  
Central Prison, Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR J.**

**RSI**

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